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17 Silva, Vanderhoofven, McGuyer, Enos, Barneburg,
18 Countess, Milligan, and Estes

19
20 IN THE UNITED STATES DISTRICT COURT
21
22 FOR THE NORTHERN DISTRICT OF CALIFORNIA
23
24 SAN FRANCISCO DIVISION

25 JUAN ANGEL MARTINEZ, JR.,

26 Plaintiff,

27 v.

28 JAMES E. TILTON, et al.,

29 Defendants.

30 C 07-4684 CRB (PR)

31
32 **DECLARATION OF
33 KENNETH T. ROOST
34 IN SUPPORT OF
35 DEFENDANTS' MOTION
36 FOR EXTENSION OF TIME
37 TO FILE A REPLY
38 REGARDING THEIR
39 MOTIONS TO DISMISS AND
40 FOR SUMMARY JUDGMENT**

41
42 I, Kenneth T. Roost, declare:

43 1. I am an attorney admitted to practice before the courts of the State of California and
44 before this Court. I am employed by the California Attorney General's Office as a Deputy
45 Attorney General in the Correctional Law Section, and am assigned to represent Defendants
46 Tilton, Scavetta, Horel, Silva, Vanderhoofven, McGuyer, Enos, Barneburg, Countess, Milligan,
47 and Estes (Defendants) in this case. I am competent to testify to the matters set forth in this
48 declaration, and if called upon by this Court, would do so.

49 Decl. Roost Supp. Defs.' Mot. EOT File Reply

50 *Martinez v. Tilton, et al.*
51 C 07-4684 CRB (PR)

1 2. Defendants' counsel was out of the office from June 21 through June 30, and Plaintiff
2 filed his opposition to the motions to dismiss and for summary judgment on June 23, 2008. In
3 addition to losing this week in which to prepare the reply, Defendants' counsel spent July 3, 2008
4 in Sacramento to mediate a settlement in another matter.

5 3. In addition to the reduced period of time to prepare the reply, Plaintiff's twenty-seven-
6 page opposition, accompanied by an additional forty-eight pages of supporting exhibits, is
7 oversized under Local Rule 7-4(b), and omits a table of contents as required under Local Rule
8 7-4(a). These factors require Defendants to spend extra time preparing their reply.

9 4. Defendants therefore respectfully request a nine-day extension of time in which to file
10 their reply regarding the motions to dismiss and for summary judgment, such that the time in
11 which Defendants may file a reply is extended up to and including July 16, 2008.

12 5. Defendants received a forty-day extension of time to file their dispositive motions in
13 this matter, but this is their first request for an extension of time concerning their reply.

14 6. This request for an extension of time is not made for the purpose of harassment, undue
15 delay, or any improper reason.

16 7. Plaintiff is confined in state prison and cannot easily be contacted concerning an
17 extension of time. Because Plaintiff is a prisoner, it is also difficult to deliver this motion for an
18 extension of time on the same day it is filed. Thus, Defendants are serving it by overnight mail.

19 I declare under penalty of perjury that the foregoing is true and correct and that this
20 declaration was executed on July 7, 2008, in San Francisco, California.


Kenneth T. Roost
Deputy Attorney General

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